

AMENDED IN SENATE MARCH 26, 2015

**SENATE BILL**

**No. 320**

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**Introduced by Senator Lara**

February 23, 2015

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An act to amend Section ~~49011~~ 49013 of the Education Code, relating to pupil fees.

LEGISLATIVE COUNSEL'S DIGEST

SB 320, as amended, Lara. Pupil—~~fees~~ *fees: complaint of noncompliance: regulations.*

Existing law prohibits a pupil enrolled in a public school from being required to pay a pupil fee for participation in an educational activity. *Existing law authorizes a complaint of noncompliance to be filed with the principal of a school for violation of that prohibition, as specified, and required public schools to establish local policies and procedures to implement the complaint provisions.*

~~This bill would make nonsubstantive changes to that provision.~~ *prohibit a public school from establishing a local policy or procedure that authorizes the public school to resolve a complaint by providing a remedy to the complainant without also providing a remedy to all affected pupils, parents, and guardians, as provided. The bill would authorize the Superintendent of Public Instruction to ensure that an appeal that the State Department of Education finds merit in is resolved in a timely manner and would require the Superintendent, on or before June 30, 2016, to adopt regulations to govern the use of that authority, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 49013 of the Education Code is amended*  
2     *to read:*

3     49013. (a) A complaint of noncompliance with the  
4     requirements of this article may be filed with the principal of a  
5     school under the Uniform Complaint Procedures set forth in  
6     Chapter 5.1 (commencing with Section 4600) of Division 1 of  
7     Title 5 of the California Code of Regulations.

8     (b) A complaint may be filed anonymously if the complaint  
9     provides evidence or information leading to evidence to support  
10    an allegation of noncompliance with the requirements of this  
11    article.

12    (c) A complainant not satisfied with the decision of a public  
13    school may appeal the decision to the department and shall receive  
14    a written appeal decision within 60 days of the department's receipt  
15    of the appeal.

16    (d) If a public school finds merit in a complaint, or the  
17    department finds merit in an appeal, the public school shall provide  
18    a remedy to all affected pupils, parents, and guardians that, where  
19    applicable, includes reasonable efforts by the public school to  
20    ensure full reimbursement to all affected pupils, parents, and  
21    guardians, subject to procedures established through regulations  
22    adopted by the state board.

23    (e) Information regarding the requirements of this article shall  
24    be included in the annual notification distributed to pupils, parents  
25    and guardians, employees, and other interested parties pursuant to  
26    Section 4622 of Title 5 of the California Code of Regulations.

27    (f) Public schools shall establish local policies and procedures  
28    to implement the provisions of this section on or before March 1,  
29    2013. *A public school shall not establish a local policy or*  
30    *procedure pursuant to this subdivision that authorizes the public*  
31    *school to resolve a complaint filed pursuant to this section, whether*  
32    *formally or informally, by providing a remedy to the complainant*  
33    *without also providing a remedy to all affected pupils, parents,*  
34    *and guardians, as required by subdivision (d).*

35    (g) *The Superintendent shall have all power and authority*  
36    *necessary to ensure that, when the department finds merit in an*  
37    *appeal filed pursuant to this section, the complaint is resolved*  
38    *pursuant to subdivision (d) in a timely manner. On or before June*

30, 2016, the Superintendent shall adopt regulations to govern the use of this authority. The regulations shall include, but are not limited to, provisions that do all of the following:

(1) Specify that, if the department finds merit in an appeal filed pursuant to this section, the department's written decision shall identify with specificity the corrective action that the public school must take to confirm that it has provided a remedy to all affected pupils, including, if applicable, specific direction regarding the reasonable efforts the public school shall take to ensure full reimbursement to all affected pupils.

(2) Specify that the department may make findings on the merit of the appeal without remanding the complaint to the public school for further consideration, regardless of whether the public school addressed an issue in its decision about the underlying complaint, and may rely on evidence presented for the first time on appeal, if the department concludes such evidence is reliable.

(3) Require the public school to provide to the department, within 60 days of the department's written decision, evidence documenting that the public school has complied with any corrective action specified in the written decision and the requirements of subdivision (d).

(4) If the public school has not satisfied the requirement in paragraph (3), require the superintendent of the school district or the county office of education or the principal of the charter school, as appropriate based on the public school involved in the underlying complaint, to appear at the next regularly scheduled meeting of the state board to explain the public school's failure to satisfy that requirement.

**SECTION 1.** ~~Section 49011 of the Education Code is amended to read:~~

~~49011. (a) A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.~~

~~(b) All of the following requirements apply to the prohibition specified in subdivision (a):~~

~~(1) All supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge.~~

~~(2) A fee waiver policy shall not make a pupil fee permissible.~~

~~(3) School districts and schools shall not establish a two-tier educational system by requiring a minimal educational standard~~

1 and also offering a second, higher educational standard that pupils  
2 may only obtain through the payment of a fee or purchase of  
3 additional supplies that the school district or school does not  
4 provide.

5 (4) A school district or school shall not offer course credit or  
6 privileges related to educational activities in exchange for money  
7 or donations of goods or services from a pupil or a pupil's parents  
8 or guardians, and a school district or school shall not remove course  
9 credit or privileges related to educational activities, or otherwise  
10 discriminate against a pupil, because the pupil or the pupil's parents  
11 or guardians did not or will not provide money or donations of  
12 goods or services to the school district or school.

13 (e) This article shall not be interpreted to prohibit the solicitation  
14 of voluntary donations of funds or property, voluntary participation  
15 in fundraising activities, or school districts, schools, or other  
16 entities from providing pupils prizes or other recognition for  
17 voluntarily participating in fundraising activities.

18 (d) This article applies to all public schools, including, but not  
19 limited to, charter schools and alternative schools.

20 (e) This article is declarative of existing law and shall not be  
21 interpreted to prohibit the imposition of a fee, deposit, or other  
22 charge otherwise authorized by law.